

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VERMONT MUTUAL INSURANCE COMPANY,)
as subrogee of TIMOTHY D. STEIN and)
WAYNE ROLF,)
Plaintiff,)

v.)

DAVID’S FLOOR SERVICE, INC.,)
and)

MIN DANG, d/b/a)
DAVID’S FLOOR SERVICE ,)
Defendants.)

CIVIL ACTION

NO. 05-10307 JLT

JURY TRIAL DEMANDED

NOTICE OF INTENTION TO FILE MOTION
RE: AMENDED COMPLAINT

In accordance with Rule 15 (a), plaintiff, Vermont Mutual Insurance Company as subrogee of Timothy D. Stein and Wayne Rolf intend to file the Motion for Leave to File Amended Complaint, along with proposed Amended Complaint, on January 5, 2006.

Respectfully submitted,

COZEN AND O'CONNOR

BY: /s/ James P. Cullen, Jr., Esquire
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CERTIFICATE OF SERVICE

I, James P. Cullen, hereby certify that I served a true and correct copy of the foregoing Notice of Motion this 5th day of January, 2006, by mail, postage prepaid, to the following parties:

Susan Johnson Bowen, Esquire
Warren, Hensley & Bowen LLP
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113 Union Wharf East
Boston, MA 02109

/s/ James P. Cullen, Jr., Esquire
James P. Cullen, Jr., Esquire